

**REMARKS/ARGUMENTS**

By this Amendment, Claims 1, 9, 16, 27, 38, 44-45, 53, 55 and 62 are amended. Thus, Claims 1-70 are currently pending.

The Examiner has rejected Claims 1-70 under 35 U.S.C. §112, second paragraph as being indefinite and, in particular, has identified five subsets of those claims as being indefinite, namely, Claims 1-37 (most probably, Claims “1-8” were meant), Claims 9-32, Claims 38-43, Claim 44, Claims 45-70.

**Claims 1-8**

The Examiner has asserted that structural cooperative relationships are omitted in Claim 1 with regard to the needle cannula being within the shield (line 9 of Claim 1) initially and then having the needle cannula covered by the shield later (line 20 of Claim 1).

To that end, Applicants have amended Claim 1 to more clearly specify the relationship between the needle cannula and the shield. As discussed on pp. 17-19 and as shown in Figs. 6 and 21-25 of the present application, prior to activation, the needle is located within the shield 200. The shield 200 comprises a base 204 and an aperture 205 which are coincident with the distal end of the housing prior to activation. Upon pressing the shield base 204 against the skin of the subject, the shield 200 is displaced toward the proximal end of the housing, thereby allowing the needle to pass through the aperture 205 and enter the subject. Thus, at this point, the needle is no longer covered by the shield. Simultaneously, this movement of the shield 200 actuates the trigger to release the driver and inject the drug. When the release mechanism releases the spring 400 from the driver, the spring 400 contacts the shield base 204 with a sufficient force to remove the needle from the skin while extending the shield 200 such that

needle passes through the aperture 205 and the needle is covered by the shield 200. (Present application, p. 21, lines 19-23; Fig. 25). Thus, in view of the foregoing and the amendments to Claim 1, Applicants respectfully submit that Claims 1-8 are in compliance with § 112, second paragraph.

**Claims 9-32**

The Examiner has asserted that structural cooperative relationships are omitted in Claim 9 with regard to the needle/shield (similar to that raised with regard to Claim 1), as well as the operative relationship between the cartridge and the barrel. In addition, the Examiner identified that Claim 16 uses the phrase “cartridge barrel” and “cartridge”.

Applicants have amended Claim 9 accordingly to more clearly specify the structural cooperative relationship between the needle and the shield. As to the relationship between the cartridge and the barrel, p. 37, line 30 to p. 38, line 5 explain the relationship. The cartridge 500 comprises the assembly of the needle, barrel and stopper. The “barrel” refers to the portion of the cartridge that contains the liquid drug. To that end, Claim 9 has been amended to specify that the cartridge comprises the barrel. Furthermore, Claims 16 and 27 have been amended to specify “cartridge” rather than “cartridge barrel.”

Thus, in view of the foregoing and the amendments to Claims 9, 16 and 27, Applicants respectfully submit that Claims 9-32 are in compliance with § 112, second paragraph.

**Claims 38-43**

The Examiner has asserted that structural cooperative relationships are omitted in Claim 38 with regard to the needle/shield (similar to that raised with regard to Claim 1).

Applicants have amended Claim 38 accordingly to more clearly specify the structural

cooperative relationship between the needle and the shield. In addition, Claim 38 has been amended to more clearly specify the relationship of the cartridge and the barrel. Thus, in view of the foregoing and the amendments to Claim 38, Applicants respectfully submit that Claims 38-43 are in compliance with § 112, second paragraph.

**Claim 44**

The Examiner has asserted that structural cooperative relationships are omitted in Claim 44 with regard to a second proximal end and a second distal end of the cartridge since the cartridge has no first proximal end or first distal end relative to the second proximal and second distal ends.

To that end, Applicants have amended Claim 44 to no longer specify any first or second proximal or distal ends but rather proximal/distal ends of the housing and proximal/distal ends of the cartridge. Thus, in view of the foregoing and the amendments to Claim 44, Applicants respectfully submit that Claim 44 is in compliance with § 112, second paragraph.

**Claims 45-70**

The Examiner has asserted that structural cooperative relationships are omitted in Claim 45 with regard to the needle/shield (similar to that raised with regard to Claim 1).

To that end, Applicants have amended Claim 45 to more clearly specify the structural cooperative relationship between the needle and the shield. In addition, Claims 45, 53 and 62 have been amended to more clearly specify the relationship of the cartridge and the barrel. Thus, in view of the foregoing and the amendments to Claim 45, Applicants respectfully submit that Claims 45-70 are in compliance with § 112, second paragraph.

Thus, Applicants respectfully submit that Claims 1-70 are now in condition for allowance. Accordingly, prompt and favorable examination on the merits is respectfully requested.

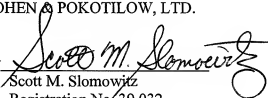
Should the Examiner believe that anything further is desirable in order to place the application in even better condition for allowance, the Examiner is invited to contact Applicant's undersigned attorney at the telephone number listed below.

Respectfully submitted,

CAESAR, RIVISE, BERNSTEIN,  
COHEN & POKOTILOW, LTD.

March 6, 2009

By

  
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Please charge or credit our  
Account No. 03-0075 as necessary  
to effect entry and/or ensure  
consideration of this submission.

**CERTIFICATE OF MAILING/TRANSMISSION PURSUANT TO 37 CFR 1.8**

I hereby certify that this correspondence and any attachments referenced therein is/are being mailed/transmitted to the USPTO by: (A) first class U.S. mail with sufficient postage (37 CFR § 1.1(a)); (B) facsimile (37 CFR § 1.6 (d)); or (C) EFS-Web (37 CFR § 1.6(a)(4)) on the date shown below.

Date: March 6, 2009

Signature: 

Name:

Scott M. Slomowitz